



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,481	06/30/2000	Paul Warren Poole	24850A	2284

22889 7590 07/16/2003

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

MIGGINS, MICHAEL C

ART UNIT	PAPER NUMBER
----------	--------------

1772

15

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,481

Applicant(s)

POOLE ET AL.

Examiner

Michael C. Miggins

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 1772

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/30/03 has been entered.

REJECTIONS REPEATED

2. All of the 35 USC 103(a) rejections are repeated for the reasons previously of record in paper #6, pages 2-7, paragraphs 4-8. Applicant has added the new limitations "... fibrous first layer ..." and "... said fibrous polymer blanket layer ..." to claims 1, 6-7, 14 and 16. The limitation "... fibrous first layer ..." is taught in the Lynn et al. reference (see column 4, lines 50-65) and the limitation "... said fibrous polymer blanket layer ..." is taught in the Nelson reference (see column 6, lines 35-68).

NEW REJECTIONS

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1772

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "said fibrous polymer based blanket material" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Specification

5. The abstract of the disclosure is objected to because on page 9, line 24 applicant refers to a copending U.S. application but has left the number of the application blank. Correction is required. See MPEP § 608.01(b).

ANSWERS TO APPLICANT'S ARGUMENTS

6. Applicant's arguments filed 6/30/03 have been fully considered but they are not persuasive.

Applicant has argued that neither Lynn et al. nor Nelson et al. teach the new limitations "... fibrous first layer ..." and "... said fibrous polymer blanket layer ..." to claims 1, 6-7, 14 and 16. However, the limitation "... fibrous first layer ..." is taught in the Lynn et al. reference (see column 4, lines 50-65) and the limitation "... said fibrous polymer blanket layer ..." is taught in the Nelson reference (see column 6, lines 35-68).

Applicant has argued that even if combined the proposed combination provides an insulating insert with a foam core. However, Nelson teaches a fibrous polymer blanket material (see column 6, lines 35-68) in addition to the insert. So the

Art Unit: 1772

combination provides an insert with a fibrous polymer blanket layer as claimed by applicant.

Applicant has argued that Lynn et al. do not disclose a metallic foil as facing sheets. However, Lynn et al. disclose metallic foil as facing sheets (see column 4, lines 50-65).

Applicant has argued with regards to claim 6 that Lynn et al. fail to teach a fibrous blanket layer. However, the limitation "... said fibrous polymer blanket layer ..." is taught in the Nelson reference (see column 6, lines 35-68).

Applicant has argued that the rest of the dependent claims are patentable because of the alleged deficiencies of the Lynn et al. and the Nelson reference. However, Nelson teaches a fibrous polymer blanket material (see column 6, lines 35-68) in addition to the insert. So the combination provides an insert with a fibrous polymer blanket layer as claimed by applicant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is (703) 305-0915. The examiner can normally be reached on Monday-Friday; 1:30-10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Art Unit: 1772

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

MCM *ML*
July 14, 2003

S. Nolan
SANDRA M. NOLAN
PATENT EXAMINER
TECHNOLOGY CENTER 1700